

Campaign

Richard L. Poland
Dated May 21, 2002
Our File Number: A-02-044

Jan Wasson
Wesson for Assembly
Dated May 17, 2002
Our File Number: I-02-048

Sharon L. Dawson, City Clerk
City of Santa Clarita
Dated May 2, 2002
Our File Number: I-02-055

David T. Vahedi
California Democratic Council
Dated May 10, 2002
Our File Number: A-02-062

Paul Koretz, Assemblyman
California Legislature
Dated May 14, 2002
Our File Number: I-02-085

Lori Jacobs
San Diego Board of Realtors
Dated May 3, 2002
Our File Number: A-02-090

Kristin Parisi
Citizens for the Preservation of Glendora
Dated May 30, 2002
Our File Number: A-02-112

Dan Lee
City of Martinez
Dated May 29, 2002
Our File Number: A-02-116

The Honorable Dario Frommer
California Assembly
Dated May 10, 2002
Our File Number: A-02-117

Certain advertisements placed in the yellow pages and a newspaper are campaign expenses, reaffirming the conclusion reached in the *Poland* Advice Letter, No. A-01-123. Advice is given to the filer on how to report these expenditures.

Discussion of section 85305 of the Act, under which a candidate for elective state office and any committees controlled by that candidate are prohibited from making any contribution to any other candidate for elective state office in excess of the limits set forth in section 85301(a) of \$3,000 per election.

The presumption of section 85308, that a contribution from a minor is actually a contribution from the minor's parents is discussed.

An organization chartered by a political party, but which is not one of the persons exempted from the definition of "slate mailer organization" under § 82048.5(b) will not be exempt from the disclosure requirements of §§ 84305.5 and 84305.6 if the organization satisfies the statutory criteria for classification as a "slate mail organization."

Provides general guidelines regarding the application of the Political Reform Act ("PRA") to secession issues. Activity that is within the parameters of the Cortese-Knox Act is outside the PRA, therefore, we do not advise on these laws.

The San Diego Board of Realtors may receive contributions earmarked for its sponsored political action committee into its general fund and then transfer those funds into the PAC bank account as long as all record keeping requirements are met.

A general purpose recipient committee that receives payments from candidates and others to include endorsements in its newsletter may qualify as a slate mailer organization.

Contributions received and expenditures made by an incumbent council member for the purpose of mailing a questionnaire to constituents must be reported on the council member's campaign statements. If another individual mails the questionnaire at the council member's behest, the council member must disclose payments of \$5,000 or more made by the individual.

Discusses cosponsored event rules as applied to a community block party in Burbank, California.

Conflict of Interest

Daniel S. Hentschke
San Diego County Water Authority
Dated May 17, 2002
Our File Number: A-02-019

Participation in the appointment process by a public official constitutes participation in a governmental decision. The official may participate in such a decision provided certain factors are met.

Daniel J. McHugh, City Attorney
City of Redlands
Dated May 14, 2002
Our File Number: A-02-021

Council members of the City of Redlands will have a conflict of interest in a decision to amend a sign ordinance only if it is reasonably foreseeable that one of his/her respective economic interests will be materially affected.

Nathaniel Bates
Richmond City Council
Dated May 2, 2002
Our File Number: A-02-027

No provision of the Act prohibits a public official from accepting particular employment. However, accepting employment will create an economic interest in the employer.

Carla Condon, Vice Mayor
Corte Madera Town Council
Dated May 15, 2002
Our File Number: I-02-035

A member of the Corte Madera Town Council may participate in a decision to adopt a proposed housing element only if the reasonably foreseeable material financial effect of the decision on the member's principal residence is indistinguishable from its effect on the public generally.

Susan A. Shaheen, Ph.D.
Partners for Advanced Transit & Highways
Dated May 20, 2002
Our File Number: A-02-070

A University of California research scientist who also advises the CalTrans senior staff on transportation-related programs sought advice regarding potential conflicts of interest. Since the scientist's sole potential economic interest is derived from her state salary, which qualifies for the government salary exemption from "income" under the Act, and there is no effect on her personal finances, the scientist does not have a conflict of interest disqualifying her from participating in any of her job assignments.

Sampson P. Bowers
St. Helena City Council
Dated May 20, 2002
Our File Number: A-02-089

A city council member does not have a disqualifying conflict of interest and may vote on flood control measures. The council member's month-to-month lease of his dwelling unit (which is situated in the flood zone) does not comprise an interest in real property. In addition, the economic value of flood control benefits to individual homeowners who are sources of income to him is not sufficient to constitute a material financial effect. In any event, the "public generally" exception would apply to the effect on individual homeowners located in the flood zone.

Linda W. Dixon
City of Costa Mesa
Dated May 23, 2002
Our File Number: I-02-098

Holding two positions as mayor of the City of Costa Mesa and as a member of the Orange County Fairgrounds Board of Directors are not economic interests which could be affected by decisions of either agency. The question concerning the doctrine of incompatible public offices should be directed to the Office of the Attorney General.

Domingo Ottolia
City of Torrance
Dated May 15, 2002
Our File Number: I-02-099

Michele R. Vadon
City of Dana Point
Dated May 10, 2002
Our File Number: A-02-105

Marilyn Ramos
Aptos/LaSelva Fire Protection District Bd.
Dated May 7, 2002
Our File Number: A-02-108

Heather Criss
City of Dorris
Dated May 20, 2002
Our File Number: A-02-111

Maria Clark
City of Dorris
Dated May 23, 2002
Our File Number: A-02-113

David M. Swerdlin
San Juan Capistrano City Council
Dated May 20, 2002
Our File Number: A-02-119

John Foster
City of Fairfield
Dated May 24, 2002
Our File Number: A-02-125

A general discussion of the exception to what constitutes attempting to influence a governmental decision contained in regulation 18702.4(b)(4). The exception allows public officials who are architects and engineers to prepare technical documents for a client in connection with a proceeding that is before the official's agency.

A public official who serves on a decision-making body of two local public agencies does not have a conflict of interest in decisions relating to a dispute between the two agencies, merely because he serves both agencies.

The conflict-of-interest provisions of the Act do not require an official to resign from her position on a public body. Section 87100 only requires disqualification when a decision will directly or indirectly have a material financial effect on the official's economic interests. These rules are applied to a workers' compensation claim.

The city administrator sought advice as to whether she has a conflict of interest disqualifying her from co-signing city checks made payable to her spouse's employer. Since the city administrator exercises no discretion or independent judgment as to whether the checks are issued, the amount and the timing of the checks, signing them is a mechanical exercise in a clerical role, not making, participating in making, or influencing a governmental decision. She has no conflict of interest barring her from signing city checks made payable to her spouse's employer.

An elected public official is prohibited from accepting a loan in excess of \$250 from a fellow public official who holds office with her agency (§ 87460(a)).

A city council member was advised that he may vote on a proposed real estate development when the representative of the developer is a former independent contractor consultant retained by the council member in his private employment. Additionally, the representative's referral of business to the council member did not make the representative a source of income to the council member.

A member of the airport land use commission is advised that holding two public offices does not, per se, create a conflict of interest under the Act. It is when a governmental decision has a reasonably foreseeable material financial effect on an official's economic interest that a conflict of interest

**Carl Washington, Assemblyman
California Legislature
Dated May 30, 2002
Our File Number: A-02-140**

may disqualify an official from involvement in that decision. The doctrine of incompatible offices is outside the scope of the Act and the Commission offers no advice thereon.

Section 87407's prohibition on making a governmental decision that will directly affect an entity with which a state officer or employee has an arrangement concerning prospective employment does not apply to an Assemblyman whose prospective employer is the Compton Unified School District. Regulation 18747(d)(3) specifically states that the prohibition does not apply if the prospective employer is a state, local or federal governmental agency. However, the one year lobbying ban of section 87406(b) does apply.

Gift Limits	
Kathleen Angel, Legislative Assistant California Legislature May 23, 2002 Our File Number: A-02-127	The award of \$2,500 and other monetary and non-monetary benefits to an Assembly member by the Good Housekeeping Award for Women in Government qualifies as an award in a bona fide competition and is not considered a gift. However, it should be reported as income.
Revolving Door	
Ronald West Department of Transportation Dated May 1, 2002 Our File Number: I-02-077	General guidance regarding post-governmental employment provisions of the Political Reform Act.